

REMARKS

Prior to this Amendment, claims 1-8, 13-20, 22-24, 26-32, 34 and 35 were pending in the application.

In this Amendment, claims 1, 4-6, 8, 13, 17, 19, 20, 23, 24, 27-29, 31, 32 and 25 have been amended and claims 3, 7, 15, 18, 22, 26, 30 and 34 have been canceled.

After entry of the Amendment, claims 1, 2, 4-6, 8, 13, 14, 16, 17, 19, 20, 23, 24, 27-29, 31, 32 and 35 remain for consideration by the Examiner.

Claim Rejections Under 35 U.S.C. §112:

In the Office Action mailed January 27, 2012 ("Office Action"), claims 28-31 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that the preamble of independent claim 28 recited a system or apparatus while the body of the claim was directed to method steps. Applicant has amended the claims in a manner believed to address the Examiner's concerns. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Also in the Office Action, claims 3, 4, 7, 8, 15, 16, 18, 19, 22, 23, 26, 27, 30, 31, 34 and 35 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner took the position that the claims do not comply with the requirements of 35 U.S.C. §112, second paragraph, because the term "Java" is a trademark used in the claims as a limitation to identify or describe a particular material or product. Applicant respectfully disagrees with the Examiner's position.

As specifically stated in MPEP 2173.05(u), "The presence of a trademark or trade name in a claim *is not, per se, improper under 35 U.S.C. 112, second paragraph.*" Use of a trademark or trade name to identify a source of a material/product/object is permissible. It is only improper if the trademark or trade name is being used to identify or describe a particular material/product/object itself. For instance, while a hypothetical claim reciting merely a "Nintendo 3DS" (a registered trademark) would be improper;

another hypothetical claim reciting a "Nintendo 3DS *portable video game console*" would be permissible.

Similarly, the term "Java" is being used in the present claims to identify a particular *source* of the "first stream," "second stream," and "secure channel" as opposed to the "first stream," "second stream," and "secure channel" themselves (note how claims recite "first Java stream," "second Java stream," and "Java secure channel" rather than merely "Java").

In view of the foregoing, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. §101:

In the Office Action, claims 5-8, 13-16, 24, 26, 27-32, 34, and 35 were rejected under 35 U.S.C. §101 as being claimed invention is directed to non-statutory subject matter. Applicant has amended the claims in a manner believed to address the Examiner's concerns. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Allowable Subject Matter:

In the Office Action, the Examiner indicated that claims 3-4 were not rejected over prior art and thus would be allowable if amended to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include the limitations of the base claims and any intervening claims. Applicant appreciates this indication of allowability.

Applicant also notes that claims 7-8, 15-16, 18-19, 22-23, 26-27, 30-31 and 34-35 recite limitations similar to claims 3-4 and also were not rejected over prior art. In this regard, Applicant assumes that these claims would also be allowable if amended to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include the limitations of the base claims and any intervening claims.

Claim Rejections Under 35 U.S.C. §102 and 103:

In the Office Action, claims 1, 5, 13, 17, 20, 24, 28 and 32 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Pat. No. 5,689,565 ("Spies"); and claims 2, 6, 14, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Spies in view of U.S. Pat. No. 5,825,890 ("Elgamal"). Applicant respectfully traverse this rejections based on the following remarks.

Claims 1, 5, 13, 17, 20, 24, 28 and 32 have been amended to include the limitations of claims 3, 7, 15, 18, 22, 26, 30 and 34, respectively, which have already been indicated (either explicitly or implicitly) as containing allowable subject matter. Furthermore, the claims have been amended to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action. Accordingly, Applicant respectfully asserts that claims 1, 2, 4-6, 8, 13, 14, 16, 17, 19, 20, 23, 24, 27-29, 31, 32 and 35 are all allowable, and an indication reflecting the same is respectfully requested.

Conclusions

The references of record and not relied upon by the Examiner have been considered and all pending claims are believed to be patentable over those references, as well as the references relied upon by the Examiner to reject claims.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Respectfully submitted,

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Date: APRIL 16, 2012

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